

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08CV390-1-MU

RICARDO DARNELL JONES,

Plaintiff,

v.

BUNCOMBE COUNTY SHERIFF

DEP'T, et al.,

Defendants.

ORDER

THIS MATTER comes before the Court upon Defendant's Motion for Extension of Time (Doc. No. 49), filed December 19, 2008; Plaintiff's Motion to Review Defendant's Answer (Doc. No. 59), filed January 21, 2009; Plaintiff's Motion for Defendant Ray to Submit to a Deposition (Doc. No. 60), filed January 21, 2009; Plaintiff's Motion for a Review of All Witness Statements (Doc. No. 61), filed January 21, 2009; Plaintiff's Motion for a Review of Defendant's Documents and Perjury Judgment (Doc. No. 63), filed January 21, 2009; Plaintiff's Motion to Appoint Counsel (Doc. No. 64), filed January 21, 2009; Plaintiff's Motion for Review of Judgment (Doc. No. 65), filed January 21, 2009; Plaintiff's Motion for Appointment of Counsel (Doc. No. 67), filed January 27, 2009; and Plaintiff's Motion for Writ (Doc. No. 70), filed February 3, 2009.

On August 19, 2008, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 alleging that on September 2, 2007, Defendant Curry Ray,¹ a correctional officer at the Buncombe County

¹ Plaintiff also named two internal affairs investigators, Van Duncan and Salyer, and the Buncombe County Sheriff's Department as defendants. For the reasons set forth in a September 3, 2008, Order, this Court dismissed Van Duncan, Salyer, and the Buncombe County Sheriff's

Detention Center, assaulted him by repeatedly slamming his face against a wall. Plaintiff alleges that Defendant Ray then continued to beat him after he was placed in a segregated cell. Plaintiff contends that as a result of this alleged excessive force he suffers from “head, back and neck pain.”

Defendant has filed a request for an extension of time to respond to Plaintiff’s discovery. (Doc. No. 49.) Such request is moot as this Court denied Plaintiff’s motion to Compel Discovery.

Plaintiff has filed two more Motions for Appointment of Counsel. (Doc. Nos. 64 and 67.) For the reasons stated in previous Orders these motions are denied. If this Court determines that counsel should be appointed in the future it will take action at that time.

Plaintiff has also filed four motions (Doc. Nos. 59, 61, 63, 65) asking this Court to review certain documents in this case and reach various conclusions in favor of Plaintiff. In ruling on a case, a court automatically reviews the entire record before it. As such, Plaintiff’s motions are denied as moot.

Plaintiff has also filed a motion asking this Court to freeze Defendant Ray’s assets. (Doc. No. 70.) Plaintiff provides no basis for the Court taking this action and the Court declines to take this action. The motion is denied.

Plaintiff also requests that he be able to depose Defendant Ray. Reviewing the record as a whole, this Court does not see a need for a deposition at this point in time. Consequently, Plaintiff’s request to depose Defendant Ray is denied.

Finally, this Court notes that Plaintiff has filed numerous frivolous motions and documents. Plaintiff is cautioned that if he continues to operate in this manner he will be enjoined from filing further documents in this case unless directed to do so by this Court.

Department from this case

IT IS THEREFORE ORDERED THAT:

1. Defendant's Motion for Extension of Time (Doc. No. 49), is **DENIED** as moot;
2. Plaintiff's Motions for Appointment of Counsel (Doc. Nos. 64 and 67) are **DENIED**;
3. Plaintiff's Motions for Review (Doc. Nos. 59, 61, 63, 65) are **DENIED**;
4. Plaintiff's Motion that Defendant Ray Submit to a Deposition (Doc. No. 60) is **DENIED**;

and

5. Plaintiff's Motion for Writ (Doc. No. 70) is **DENIED**.

Signed: February 23, 2009

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

